

Sec. 6. NEW SECTION. 216E.6 REMEDIES.

1. This chapter shall not limit rights or remedies available to a consumer under any other law.

2. Any waiver of rights by a consumer under this chapter is void.

3. In addition to pursuing any other remedy, a consumer may bring an action to recover any damages caused by a violation of this chapter. The court shall award a consumer who prevails in such an action no more than three times the amount of any pecuniary loss, together with costs and reasonable attorney fees, and any equitable relief that the court determines is appropriate.

Sec. 7. NEW SECTION. 216E.7 EXEMPTIONS.

This chapter does not apply to a hearing aid sold, leased, or transferred to a consumer by an audiologist licensed under chapter 147, or a hearing aid dealer licensed under chapter 154A, if the audiologist or dealer provides either an express warranty for the hearing aid or provides for service and replacement of the hearing aid.

Approved April 2, 1998

CHAPTER 1043

AQUIFER STORAGE AND RECOVERY — PERMITS

H.F. 2292

AN ACT relating to permits for aquifer storage and recovery and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.261, Code 1997, is amended by adding the following new subsections:

NEW SUBSECTION. 0A. “Aquifer” means a water-bearing geologic formation which is capable of yielding a usable quantity of water to a well or spring and which transports and stores groundwater.

NEW SUBSECTION. 0B. “Aquifer storage and recovery” means the injection and storage of treated water in an aquifer through a permitted well during times when treated water is available, and withdrawal of the treated water from the same aquifer through the same well during times when treated water is needed.

Sec. 2. Section 455B.261, subsections 10 and 11, Code 1997, are amended to read as follows:

10. “Permit” means a written authorization issued by the department to a permittee which authorizes diversion, storage, including storage of treated water in an aquifer, or withdrawal of water limited as to quantity, time, place, and rate in accordance with this part or authorizes construction, use, or maintenance of a structure, dam, obstruction, deposit, or excavation in a floodway or flood plain in accordance with the principles and policies of protecting life and property from floods as specified in this part.

11. “Permittee” means a person who obtains a permit from the department authorizing the person to take possession by diversion, storage in an aquifer, or otherwise and to use and apply an allotted quantity of water for a designated beneficial use, and who makes actual use of the water for that purpose or a person who obtains a permit from the department authorizing construction, use, or maintenance of a structure, dam, obstruction, deposit, or excavation in a floodway or flood plain for a designated purpose.

Sec. 3. Section 455B.265, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Permits for aquifer storage and recovery shall be granted for a period of twenty years or the life of the project, whichever is less, unless revoked by the department. The department shall adopt rules pursuant to chapter 17A relating to information an applicant for a permit shall submit to the department. At a minimum, the information shall include engineering, investigation, and evaluation information requisite to assure protection of the groundwater resource, and assurances that an aquifer storage and recovery site shall not unreasonably restrict other uses of the aquifer. Upon application and prior to the termination date specified in the original permit or a subsequent renewal permit, a renewal permit may be issued by the department for an additional period of twenty years. The department shall not authorize withdrawals of treated water from an aquifer storage and recovery site by anyone other than the permittee during the period of the original permit and each subsequent renewal permit. Treated water injected into an aquifer covered by a permit issued pursuant to this subsection is the property of the permittee.

Sec. 4. Section 455B.269, Code 1997, is amended to read as follows:
455B.269 TAKING WATER PROHIBITED.

1. A person shall not take water from a natural watercourse, underground basin or watercourse, drainage ditch, or settling basin within this state for any purpose other than a nonregulated use except in compliance with the sections of this part which relate to the withdrawal, diversion, or storage of water. However, existing uses may be continued during the period of the pendency of an application for a permit.

2. A person, other than the aquifer storage and recovery permittee, shall not take treated water from a permitted aquifer storage and recovery site within this state.

Approved April 2, 1998

CHAPTER 1044

PHYSICAL EXERCISE CLUBS — DEFINITION

H.F. 2429

AN ACT relating to the regulation of physical exercise clubs.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 552.1, subsection 3, Code 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. A facility owned and operated on a not-for-profit basis by a person or a contractor of a person that is operated solely for the purpose of serving employees of the person, whether currently employed or retired, and family members of employees.

Approved April 2, 1998